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BEFORE

COMMISSION RECEIVED

**CARL J. KUNASEK**  
Chairman  
**JAMES M. IRVIN**  
Commissioner  
**WILLIAM A. MUNDELL**  
Commissioner

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IN THE MATTER OF U S WEST  
COMMUNICATIONS, INC.'S  
COMPLIANCE WITH § 271 OF THE  
TELECOMMUNICATIONS ACT OF 1996

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Arizona Corporation Commission  
Docket No. **90000A-97-0238**

**DOCKETED**  
JUL 27 2000  
Motion for Review of Staff's  
Resolution of PMA Impasse - MIL  
Issue No. 926

DOCKETED BY	
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AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively, "AT&T") request that the Administrative Law Judge ("ALJ") review and overrule the Staff of Arizona Corporation Commission's resolution of PMA Impasse - MIL Issue No. 926 ("Report").<sup>1</sup>

## I. INTRODUCTION

After numerous Test Advisory Group ("TAG") discussions, the parties were at an impasse regarding whether the Performance Measure Evaluation requires the evaluation of three consecutive months of raw performance measurement data before the Functionality Test can begin. After discussions at numerous TAG meetings and several letters were sent between the parties discussing the issue,<sup>2</sup> the matter was sent to the Staff for resolution in

<sup>1</sup> A copy of Staff's resolution of MIL Issue No. 926 is attached hereto as Exhibit A.

<sup>2</sup> Letter dated August 10, 2000, from Richard S. Wolters, AT&T, to Maureen Scott, Arizona Staff; letter dated August 18, 2000, from Andrew Crain, Qwest, to Richard S. Wolters, AT&T; and letter dated August 24, 2000, from Richard S. Wolters, AT&T, to Andrew Crain, Qwest. The letters are attached hereto as Exhibits B, C and D, respectively.

accordance with the test documents: Master Test Plan, version 4.0 (April 6, 2000) ("MTP") and the Test Standards Document, version 2.7 (June 24, 2000) ("TSD").

After an initial review, a person without intimate knowledge of the history of the Operations Support Systems ("OSS") collaborative may conclude that Staff's resolution of MIL Issue No. 926 appears reasonable. However, Staff incorrectly phrases the issue for resolution, which skews Staff's analysis. Staff ignores other language which conflicts with its resolution. Furthermore, after finding ambiguity in the MTP and TSD, the Staff ignores a standard concept of contract construction<sup>3</sup> -- when resolving an ambiguity, one looks to the intent of the parties by going beyond the four corners of the document. After finding an ambiguity in the documents, the Staff focuses solely on the MTP and TSD, ignores other related documents, the intent of the parties, and arrives at a resolution without finding any support in the MTP or TSD.

AT&T's intent was made clear in AT&T's Comments on Master Test Plan filed September 17, 1999:<sup>4</sup> "The performance measure evaluation should be completed before any other testing or evaluation is initiated...The Arizona Commission would be well served to evaluate U S WEST's data collection, analysis and reporting processes at the onset of the test. This should allow any data collection process issues to be identified and resolved before they are allowed to potentially damage the reputation of the collaborative process as a whole *or call into question the validity of the performance results.*"<sup>5</sup>

AT&T repeatedly has maintained during the collaborative and at TAG meetings that 3 consecutive months of historical raw performance measurement data must be reviewed and

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<sup>3</sup> Although the MTP and TSD are not contracts in the legal sense, the MTP and TSD do set forth the manner in which the testing of Qwest's OSS is conducted, and they were drafted with extensive Staff, Qwest and CLEC input.

<sup>4</sup> These comments were on the first release of the MTP.

<sup>5</sup> AT&T's Comments on Master Test Plan (Sept. 17, 1999) at 22 (emphasis added).

the Historical Data Evaluation completed on the relevant measures before the Functionality Test can begin. The Staff has ignored these pronouncements.<sup>6</sup> Unfortunately, it appears to AT&T that Staff's analysis was crafted and drafted in such a manner to allow the Functionality Test to proceed without any requirement to review 3 months of historical raw performance measurement data and complete the Historical Data Evaluation.<sup>7</sup> In fact, the Staff's resolution allows the Functionality Test to commence without the review and audit of *any* historical data.

## II. ARGUMENTS

### A. The Issue for Resolution

The MTP and TSD went through numerous iterations and versions. Text was added and language revised during numerous TAG meetings. MTP, § 2.3. It was AT&T's intent in drafting the MTP and TSD that 3 consecutive months of historical data must be reviewed prior to the commencement of the Functionality Test. It is AT&T's position that the documents reflect AT&T's intent.

Staff goes to great length analyzing the MTP and TSD to answer the wrong question. Staff stated the issue for resolution in its Report:

The issue escalated to the ACC is whether the Performance Measurement Evaluation, which includes a Historical Data Evaluation of three months of Qwest's performance measurement data, must be finished and passed, *with a Final Report issued*, before Functionality Testing may begin.

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<sup>6</sup> The Staff attended all the TAG meetings; however, it never has disputed or agreed that AT&T maintained such a position. By ignoring the intent of the parties, it avoids this dilemma.

<sup>7</sup> On October 20, 2000, the Staff released the Qwest Performance Measures Interim Report. The Report does not claim to be an interim Historical Data Evaluation report. See TSD § 7.3.6 at 10 regarding interim reports.

Report at 1 (emphasis added). AT&T never has claimed that a “Final Report” must be issued before the Functionality Test may begin. Because the Staff posited the wrong issue, its analysis was skewed, causing it to arrive at an irrelevant conclusion:

After a close review of the language of both documents, however, Staff must disagree that both the MTP and TSD require completion of all four phases of the Performance Evaluation and a PME Final Report as an entrance criteria for the Functionality Test.

Report at 6. Once again, AT&T has never claimed that all four phases of the PME had to be completed prior to the beginning of the Functionality Test.

AT&T’s issue, and the one to be evaluated, is whether 3 consecutive months of historical data must be reviewed and an interim Historical Data Evaluation report issued before the Functionality Test can begin.

**B. The Master Test Plan**

The MTP was the first test document to be drafted by the parties and the TAG.

Generally, it has less detail than the TSD.

The Master Test Plan is a map for how the Arizona OSS tests will be conducted. The MTP lists Test Scenario level detail and other high level requirements describing how tests will be conducted in Arizona. The 271 Test Standards document developed by the Test Administrator provides detailed Test Cases within the Scenarios, Scripts and other exact specifications as to how the Arizona test will be conducted.

MTP, § 2.3.<sup>8</sup>

Section 4.7 of the MTP addresses the criteria of the Functionality Test. There are four phrases to the Functionality Test (Test Planning, Test Preparation, Test Execution and Test Analysis and Reporting), each phase having its own entrance and exit criteria. There are two relevant entrance criteria for the test execution phase:

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<sup>8</sup> Although the TSD is more detailed, it should be consistent with the MTP. The TSD was developed using the same process used to develop the MTP.

- Sufficient establishment of the Arizona Performance Measures
- The Test Administrator has sufficiently completed its evaluation of the U S WEST processes for data collection and calculation of the Arizona Performance Measures

MTP, § 4.7.3.2. The words “sufficient” and “sufficiently” were added to these bullets at the request of Qwest Corporation (“Qwest”).<sup>9</sup> Many of the Performance Measurement Indicators (“PIDs”) at the time remained under development. Qwest was concerned that the Functionality Test could not commence if all of the PIDs had not been developed and audited prior to the commencement of the Functionality Test. The language was added to indicate that the portions of the Functionality Test could commence if the relevant PIDs had been developed and audited. This is reflected further in the TSD. TSD, § 7.2.

Section 8 of the MTP contains the Performance Measurement Evaluation (“PME”). The PME “is designed to provide the ACC with a statistically valid assessment of U S WEST’s performance in providing service to the CLECs based on established performance measures.” MTP, § 8.1. The MTP and the TSD should be interpreted in a manner consistent with the purpose of the PME.

According to the MTP, “[t]he evaluation of U S WEST’s Performance Review falls into four components.:

- PM Process Review
- Historical Evaluation
- Functionality Test Evaluation
- Capacity Test Evaluation<sup>10</sup>

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<sup>9</sup> U S WEST’s Comments Regarding Master Test Plan Draft 3.1 at 5.

<sup>10</sup> The TSD identifies the four stages as the Performance Measurement Process Evaluation, the Historical Data Evaluation, the Functionality Test Evaluation and Capacity Test Evaluation. TSD, § 7.2.

There does not appear to be any dispute that the Functionality Test Evaluation and Capacity Test Evaluation will be conducted as part of the Functionality Test and Capacity Test, respectively. MTP, §§ 8.2, 8.3.3 and 8.5.3. There is also no dispute that 3 consecutive months of data must be evaluated as part of the PME and the Historical Data Evaluation.

### **8.3 Performance Measurement Evaluation Coverage and Scenarios**

The Performance Measurement will include both an evaluation of the processes and procedures U S WEST has in place for collecting data and computing the results of the performance measurements listed in Appendices B & C *and an evaluation of the three most current consecutive months of data for those performance measurements.*<sup>11</sup> The following sections provide an overview of the Performance Measurement Evaluation.

#### **8.3.1 Review of the Data Collection Process**

The Performance Measurement Evaluation will include an evaluation of *the process and procedures* in place to verify that data is being collected and used in a proper fashion when computing performance measures. This evaluation will include: Examination of documentation;

- Evaluation of U S WEST's data collection, analysis and reporting processes based on Performance Indicators Definition (in Appendix B).
- Interviews of U S WEST personnel; and
- Clarification discussions with CLEC representatives, where appropriate.

#### **8.3.2 Historical Data Evaluation**

*The Performance Measurement Evaluation will include an examination of performance measurement data from a three-month period to determine if U S WEST is correctly computing the results.*<sup>12</sup> *The purpose of the historical data evaluation is to determine the validity of U S WEST's performance measurement reporting through analysis of U S WEST's calculations using the input data employed by U S WEST, or to determine whether such data warrants different conclusions.* This evaluation will include:

- Review of the calculation of performance measurements;
- Independent calculation of results, using data provided by U S WEST;
- Calculation of z-statistics for performance measurements; and
- Comparison to z-statistics computed by U S WEST.

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<sup>11</sup> Emphasis added.

<sup>12</sup> *Id.*

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*U S WEST will provide performance measurement raw data from a three consecutive month period. The Test Administrator will validate the process and procedures and monitor U S WEST's ability to execute them.<sup>13</sup> If appropriate, the Test Administrator will conduct interviews of U S WEST and/or CLEC personnel.*

The TSD identifies “three major documents for the state of Arizona compliance project:” the MTP, the TSD and the Final Report. TSD, § 1.1. The TSD discusses the testing detail in eight sections. The relevant sections are Section 3, the Functionality Test, and Section 7, the Performance Measurement Evaluation. *Id.*

*Id.*

*The Performance Measurement Evaluation process has been successfully passed for all relevant Performance Measures.*<sup>15</sup> The TA will organize Functionality Testing into a number of test phases by mapping Test Cases/Scripts to Performance Measures that have successfully passed the

15 *Id.*

process audit. Testing can then begin for Test Cases/Scripts that map only to Performance Measures that have passed the required audits.

TSD, § 3.7.4.3(c)5. If the entrance criteria is not met for the relevant performance measures, the Functionality Test may not begin.

Staff focuses on the word “process,” arguing that the entrance criteria refers only to the first phase of the PME. Staff’s focus is too narrow. First, the Historical Data Evaluation is part of the PME “process.” TSD, § 8.3.2. Second, the MTP states that as part of the Historical Data Evaluation, “[t]he Test Administrator will validate the *process* and procedures and monitor U S WEST’s ability to execute them.” Therefore, the Historical Data Evaluation does include a review of processes. MTP, § 8.5.2. Third, if the entrance criteria for the Functionality Test was limited to the first phase -- the “Performance Measurement Process Evaluation” -- it should have explicitly said; however, the entrance criteria is broader, requiring the audit/review portions of the Performance Measurement Evaluation process to be completed, which includes the Historical Data Evaluation.

Section 7 of the TSD contains the PME scope and requirements.

### **7.1 Scope**

The Performance Measurement Evaluation (PME) will include an evaluation of the processes, and the procedures that U S WEST has in place for collecting retail and CLEC data and computing the results of the performance measurements documented in Appendices B & C of the MTP. *The PME includes the development of a statistical approach, a performance measurement process audit/review, an evaluation of the three most current consecutive months of U S WEST retail and CLEC performance measurement data,*<sup>16</sup> functionality test performance measure evaluations and capacity test performance measurement evaluations.

### **7.2 Approach**

The Performance Measurement Evaluation *will require a combined audit and test approach* including a *Performance Measurement Process Evaluation*, a

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<sup>16</sup> *Id.*



*Historical Data Evaluation, and Performance Measurement Evaluations during the Functionality and Capacity Tests.*

The Performance Measurement Process Evaluation is an audit /review of the processes and practices utilized by U S WEST for gathering and computing the retail and the CLEC results for the performance measures identified in Appendix B of the MTP. *Since this process evaluation is an entrance criteria for Functionality Tests, the process evaluation may be conducted in two phases. Conducting the audits in this fashion will permit testing to begin for those performance measures that are currently available. A second process audit/review will be conducted for those areas of the test feeding performance measures being developed by U S WEST.*

*A Historical Data Evaluation will be conducted on 3 most current consecutive months of U S WEST retail and CLEC data. The Historical Data Evaluation will be conducted in phases that match the availability of the Performance Measurement Process evaluations.<sup>17</sup>*

The Functionality and Capacity Test performance measurement evaluations will be conducted during the Functionality and Capacity Tests. These performance measurement evaluations will be conducted as final validations to the test cases that map to individual performance measures.

The PME is to be conducted in a “combined” audit and test approach. The Performance Measurement Process Evaluation and Historical Data Evaluations are audit-type evaluations and are to be done before the testing commences. The Functionality Test Evaluation and Capacity Test Evaluation are test approaches, and are done during testing.

It is also apparent that the Historical Data Evaluation of raw data is to be “conducted in phases that match the availability of the data for Performance Measurement Process evaluations.” This suggests that the two evaluations would be conducted at approximately the same time, if not concurrently. Furthermore, Staff’s issue formulation ignores express language in the TSD that the PME could be done in phases.

### **7.3 Activities**

*Activities that will be conducted as part of the Performance Measurement Evaluation will include the following:*

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<sup>17</sup> *Id.*

- a) Perform a Performance Measurement Process Audit/Review
- b) *Perform a Historical Data Review (using 3 consecutive months of U S WEST historical data)*<sup>18</sup>
- c) Gather, compute, evaluate, and appropriately retest based on Performance Measurement Data (as specified in Appendix C of the MTP) for the Functionality Tests
- d) Gather, compute, evaluate, and appropriately retest based on Performance Measurement Data (as specified in Appendix C of the MTP) for the Capacity Tests
- e) *Prepare Interim and Final Reports (including PME Process Audits Report, Historical Data Evaluation Report, and PME reports for Functionality and Capacity Tests)*

Section 7.3.1 makes it explicit that the Historical Data Review or evaluation is part of the PME. Section 7.3.1 also states that interim reports are to be prepared for each of the four phases in the PME. TSD Section 7.3.6 also states that “interim” reports will be produced and published by the TA (Test Administrator) for the PME Process Audits, Historical Data Evaluation, and the Functionality and Capacity Tests. Therefore, the notion that the Final Report could not be completed prior to the completion of the Functionality and Capacity Tests is a “red herring.”

### **7.3.2 Performance Measurement Process Audit/Review**

The TA will conduct reviews necessary to perform an assessment and documentation of U S WEST *processes* governing the data collection, calculation and reporting of performance measurements. Process comparisons will be made against industry best practices and the Service Performance Indicator Definitions (PID) jointly agreed between U S WEST and the CLECs in the State of Arizona (as contained in Appendix B of the MTP). The review will answer the following questions for both retail and CLEC data:

### **7.3.3 Historical Data Review**

*The TA will request three most current consecutive months of retail and CLEC historical raw data (before exclusions) and U S WEST computed Performance*

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<sup>18</sup> *Id.*

*Measures. Upon receiving the data, the TA Statistics Team will perform an independent computation of a representative sample of all Performance Measurements, Z statistics and other computations, averages, standard deviations, rates, proportions, sample sizes, etc. from U S WEST provided raw data. The TA will compare the independently computed data to the Z statistics and other computations computed by U S WEST.*

The TA will evaluate, document and report all differences between the numbers computed by U S WEST and those computed by the TA. Problems discovered requiring work by U S WEST, will be entered on Incident Work Order forms and forwarded to the Test Advisory Group (TAG) for subsequent prioritization and submittal to U S WEST for repair and subsequent re-testing per the Test Administrator's Testing Incidents Process (see Attachment I).

*In addition, the historical evaluation will also investigate the presence of potentially confounding factors that may need to be further controlled in the design and analysis of the functionality tests.<sup>19</sup>*

Staff ignores the last paragraph in TSD § 7.3.3 that supports AT&T's position that the Historical Data Evaluation will be completed prior to the Functionality Test. The Historical Data Evaluation would have to be completed before the results could be used in the "design and analysis" of the Functionality Test.

#### **7.3.6 Prepare Interim and Final Performance Measure Evaluation Reports**

*Interim reports will be produced and published by the TA for PME Process Audits, Historical Data Evaluation, and for the Functionality and Capacity Tests. The interim report for the PME Process Audits may be produced in two phases to allow Functionality Testing to begin based on performance measures already in operation with a second report produced and approved for those performance measures being developed by U S WEST. The Final Report will be produced and published by the TA. Recipients of the final report will be the ACC, U S WEST, and all CLECs participating in the test.<sup>20</sup>*

#### **7.4 Entrance Criteria**

*The following must be complete prior to initiating the PME:*

- a) *Performance Measurements as outlined in the PID are operationally ready and at least two months of performance data is available for the*

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<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

*evaluation to begin.* The evaluation may be conducted in two phases to allow testing to progress based on available performance measures.

- b) Properly disaggregated historical data (before exclusions) for pre-ordering, provisioning, trouble reporting and billing transactions from U S WEST and participating CLECs has been provided to the TA, consistent with the two-phased approach described above.<sup>21</sup>

Staff determined that the MTP and TSD were ambiguous, thereby allowing it to adopt an audit proposal that has absolutely no support in the MTP and TSD. By finding an ambiguity, Staff concluded that the Functionality Test can begin with the review of one month' data, and in some cases, without the review of any data. Staff's position conflicts with portions of the MTP and TSD. Before any portion of the PME can be commenced, the TSD requires that at least two months of performance data is available to the TA for the evaluation to begin. TSD, § 7.4. Therefore, the Staff's one-month/no months position conflicts with express provisions of the TSD.

#### **D. Prior Versions of the MTP and TSD**

Staff failed to review other documentation to support its position. If one looks at the MTP, Version 1.0 (August 1999), at section 8.4.2, it states: **8.4.2 Historical Evaluation** "Once the Third Party Consultant is chosen, U S WEST will provide performance measurement data from a three-month period. The Third Party Consultant will validate the process and procedures and monitor U S WEST's ability to execute them." The milestones in section 10 of this version of the MTP reflected that the vendor would be selected on October 8, 1999. Functionality Test Execution was not scheduled to begin until January 10, 2000. Therefore, it is obvious from the original milestones that the three month Historical Evaluation would be completed prior to the beginning of the Functionality Test.

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<sup>21</sup> *Id.*

Section 8.4.2 remained the same through MTP, version 3.0 (January 31, 2000). The milestones had been amended in section 10; however, the vendor selection date of September 24, 1999, preceded the start date of the Functionality Test (December 13, 1999). Through version 3.0 of the MTP, the milestones in section 10 did not identify a separate task for the PME or the Historical Data Evaluation.

When version 4.0 came out, section 10 contained two new tasks: Performance Measurement Process Evaluation and Performance Measurement Historical Evaluation.<sup>22</sup> Both these tasks preceded the Functionality Test Execution, although the baseline dates were identified as “TBD” (to be determined).<sup>23</sup> Nothing in version 4.0 changed AT&T’s understanding that the Historical Data Evaluation would be completed prior to the beginning of the Functionality Test. In fact, the new milestone tasks confirmed AT&T’s understanding that the Historical Data Evaluation task would precede Functionality Test Execution.

AT&T became aware that Staff intended that only one month of data would be reviewed prior to the Functionality Test. AT&T renewed its request to see updated milestones. On August 9, 2000, Staff released milestones dated July 4, 2000. The Historical Evaluation does not appear as a separate task. Ending dates for the Performance Measurement Evaluation and Functionality Test were included, although no start dates were provided for either the Performance Measurement Evaluation or Functionality Test. This raised serious concerns, because it was obvious that there was no recognition that the Historical Data Evaluation had to be done, nor was the timing of the Historical Data Evaluation reflected in the milestones. Critical starting dates were also omitted, although

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<sup>22</sup> TSD, § 7.2 requires that the Performance Measurement Process Evaluation and the Performance Measurement Historical Evaluation are to be conducted in phases and using the same months of data.

<sup>23</sup> The language in section 8.4.2 in earlier versions of the MTP regarding selection of the Third Party Consultant was eliminated.

completion dates were included in the milestones. It was obvious to AT&T that the test would have to be compromised if the completion dates were to be met.

### **III. CONCLUSION**

It is obvious from a reading of the past and current versions of the MTP and TSD that the Historical Data Evaluation is to be completed and an interim report issued prior to commencing the Functionality Test. Admittedly, the PIDs took longer to develop than anticipated; however, the PIDs have been relatively stable for months.<sup>24</sup> The truth is, Qwest has been unable to produce accurate performance data. The Historical Data Evaluation is intended to verify performance data reliability and stability prior to the Functionality and Capacity Tests, so that the parties have some comfort in the results of the Functionality and Capacity Tests. This makes test result analysis more focused, by eliminating issues regarding the reliability of underlying data.

AT&T has put Staff on notice that if the Functionality Test and Capacity Test commence without the Historical Data Evaluation being completed, it reserves the right to attack the reliability and veracity of the underlying data during review of test results. The Staff and TA responded that if problems come up because the Functionality Test began before the Historical Data Evaluation is complete, retesting will be done. However, the TA added a caveat: retesting may not be done for minor problems. This only adds the potential for additional arguments over whether a problem is major, requiring retesting, or minor.

In an attempt to start the Functionality Test without delay, Staff has ignored language in past and present versions of the TSD and MTP, and is willing to risk undermining the integrity and validity of the OSS test. AT&T has dedicated thousands of hours to ensuring a

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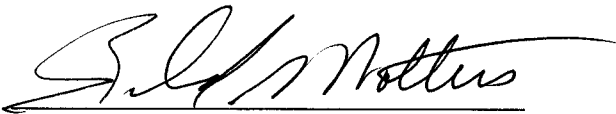
<sup>24</sup> AZ 271 Working PID Version 5.1 was released on August 28, 2000.

valid, open test is conducted in Arizona on Qwest's OSS. It has not taken the filing of this motion lightly. However, the ALJ must require that the Staff adhere to the MTP and TSD, consistent with the intent of the parties.

Therefore, AT&T respectfully requests that the ALJ find that the MTP and TSD require that the Historical Data Evaluation be completed for the relevant measures prior to the commencement of the Functionality Test.

Dated this 24<sup>th</sup> day of October 2000.

**AT&T COMMUNICATIONS OF THE  
MOUNTAIN STATES, INC.**

By: 

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## EXHIBIT A

PMA IMPASSE - MIL ISSUE NO. 926ACC Resolution:

An impasse occurred on MIL Issue No. 926 at the August 21, 2000 TAG Meeting. The issue was subsequently escalated to the Arizona Corporation Commission ("ACC") Staff on August 29, 2000. Comments on the issues raised were submitted on August 29, 2000 by Qwest Corporation (Qwest), WorldCom, Inc. (WorldCom) and AT&T Communications of the Mountain States, Inc. (AT&T). In addition, those comments incorporated by reference letters from AT&T dated August 10, 2000 and August 24, 2000 and by Qwest dated August 18, 2000.

The issue escalated to the ACC is whether the Performance Measurement Evaluation, which includes a Historical Data Evaluation of three months of Qwest's performance measurement data, must be finished and passed, with a Final Report issued, before Functionality Testing may begin. Subsumed in this issue is whether a one month Historical Data Evaluation would be sufficient, as provided for in the CAP Gemini/DCI Audit Plan. The issues raised relate to the appropriate entrance criteria for the Functionality Test. The issue at impasse can only be resolved after a careful examination of the relevant provisions of the Arizona Master Test Plan (MTP) and the CAP Gemini Test Standards Document (TSD).

A. Relevant MTP and TSD Provisions1. MTP/TSD Performance Measurement Evaluation Provisions

According to MTP, Section 8.1, the Performance Measurement Evaluation or PME has four distinct components consisting of the following:

- PM Process Review
- Historical Data Evaluation
- Functionality Test Evaluation
- Capacity Test Evaluation

The first component, the PM Process Review, includes an evaluation of the process and procedures in place to verify that data is being collected and used in a proper fashion when computing performance measures. MTP Section 8.3.1. According to the MTP (Section 8.3.1), this evaluation is to include the following:

- Examination of documentation;
- Evaluation of U S WEST's data collection, analysis and reporting processes based on Performance Indicators Definition (in Appendix B).
- Interviews of U S WEST personnel; and

AT&T Corp. Legal - Denver

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- Clarification discussions with CLEC representatives, where appropriate.

Section 8.5.1 of the MTP lists specific questions the Process Audit is designed to answer. Section 8.5.1 of the MTP is attached as Exhibit B.

According to the MTP, the second component, the Historical Data Evaluation, includes an examination of performance measurement data from a three-month period to determine if Qwest is correctly computing the results. MTP Section 8.3.2. The Historical Data Evaluation is to include the following information (MTP Section 8.3.2):

- Review of the calculation of performance measurements;
- Independent calculation of results, using data provided by U S WEST;
- Calculation of z-statistics for performance measurements; and
- Comparison to z-statistics computed by U S WEST.
- Determination of the extent that U S WEST's historical data are consistent with the Performance Indicators Definition (in Appendix B).

The third and fourth portions of the Performance Measurement Evaluation include the Functionality Test and Capacity Test Evaluation phases of the audit which are to evaluate the performance measurements listed in Appendix C to the Arizona MTP. Only those measurements with a Yes indication in Appendix C will be considered during the Functionality and Capacity Tests. See MTP, Section 8.2. Those measurements with no "Yes" indication will only be included in the testing to the extent that they are assessed during the Performance Measurement Evaluation to verify that U S WEST is collecting adequate data and computing accurate results. (TSD, Section 7.1).

The TSD Performance Measurement Provisions begin by stating that the Performance Measurement Evaluation will require a combined audit and test approach including a Performance Measurement Process Evaluation, and Performance Measurement Evaluations during the Functionality and Capacity Tests. TSD Section 7.2 expressly and specifically states that the Performance Measurement Process Evaluation, or the first portion of the Performance Measurement Evaluation, is an entrance criteria for Functionality Tests. A complete recitation of Section 7.2 of the TSD is as follows:

## 7.2 Approach

The Performance Measurement Evaluation will require a combined audit and test approach including a Performance Measurement Process Evaluation, a Historical Data Evaluation, and Performance Measurement Evaluations during the Functionality and Capacity Tests.

The Performance Measurement Process Evaluation is an audit/review of the processes and practices utilized by U S WEST for gathering and computing the retail and CLEC results for the performance measures

identified in Appendix B of the MTP. Since this process evaluation is an entrance criteria for Functionality Tests, the process evaluation may be conducted in two phases. Conducting the audits in this fashion will permit testing to begin for those performance measures that are currently available. A second process audit/review will be conducted for those areas of the test feeding performance measures being developed by U S WEST.

A Historical Data Evaluation will be conducted on the 3 most current consecutive months of U S WEST retail and CLEC data. The Historical Data Evaluation will be conducted in phases that match the availability of the Performance Data.

The Functionality and Capacity Test performance measurement evaluations will be conducted during the Functionality and Capacity Tests. These performance measurement evaluations will be conducted as final validations to the test cases that map to individual performance measures. (Emphasis added).

The TSD also states that the Process Audit is to include process comparisons to be made against industry best practices and the Service Performance Indicator Definitions (PID) jointly agreed upon by U S WEST and the CLECs for the State of Arizona (as contained in Appendix B of the MTP). Id. Section 7.2.3. TSD Section 7.3.2 sets forth additional issues to be addressed in the Process Audit.

Section 7.3.3 of the TSD discusses the scope of the Historical Data Evaluation, or phase two of the PME. It states that upon receiving the three months of data from Qwest, the TA Statistics Team will perform an independent computation of a representative sample of all Performance Measurements, A statistics and other computations, averages, standard deviations, rates, proportions, sample sizes, etc. from Qwest provided raw data. The TA will compare the independently computed data to the A statistics and other computations computed by U S WEST. This section goes on to state that problems discovered requiring work by U S WEST, will be entered on IWO forms and forwarded to the TAG for prioritization and submittal to U S WEST for repair and subsequent retesting per the Test Administrator.

Section 7.3.4 of the TSD specifically addresses the Functionality Test performance measurement evaluation. It states that during the Functionality Tests, Performance Measurement raw data for the Pseudo-CLEC test orders, trouble reports and other transactions, calculated z statistics and other calculations will be collected from U S WEST for all those measurements with a "Yes" indication in the MTP Appendix C. Using the raw data (before exclusions) from U S WEST, the TA will perform an independent calculation of all measurements with a "Yes" indication in the MTP Appendix C and will also perform an independent calculation of the same measurements for the same orders using the Functionality Test Data provided by the Pseudo-CLEC.

Finally, other language relevant to this issue is contained at Section 7.3.6 of the TSD which states:

Interim reports will be produced and published by the TA for the PME Process Audits, Historical Data Evaluation, and for the Functionality and Capacity Tests. The interim report for the PME Process Audits may be produced in two phases to allow Functionality Testing to begin based on performance measures already in operation with a second report produced and approved for those performance measures being developed by U S WEST. (Emphasis added).

## 2. MTP/TSD Functionality Test Provisions

A review of both the MTP and TSD provisions relating specifically to the Functionality Test must also be examined to see whether those provisions may be read to require that the second portion of the PME, the three month Historical Data Review, must be concluded before Functionality Testing can begin as argued by AT&T. This will involve a review of the entrance criteria for all portions of the Functionality Test including a) pre-order, b) order/provisioning, c) maintenance and repair (M&R), d) billing and e) special services for resale customers such as 911, Operator Assistance (OA) and Directory assistance (DA).

The MTP covers all phases of the test generally in its discussion of the Functionality Test entrance criteria. It establishes two related Test Execution Entrance Criteria for the Functionality Test overall:

- Sufficient establishment of the Arizona Performance Measures
- The Test Administrator has sufficiently completed its evaluation of the U S West processes for data collection and calculation of the Arizona Performance Measures (Emphasis added).

MTP Section 4.7.3.2.

With respect to preorder, the TSD states that an entrance criteria is :

The Performance Measurement Evaluation process has been successfully passed for all relevant Performance Measures. The TA will organize Functionality testing into a number of test phases by mapping Test Cases/Scripts to Performance Measures that have successfully passed the process audit. Testing can then begin for Test Cases/Scripts that map only to Performance Measures that have passed the required audits. (Emphasis added).

Section 3.7.5.3 of the TSD contains the following entrance criteria for the Order and Provisioning Portion of the Functionality Test: that all Order and Provisioning Performance Measurements have been tested and successfully passed.

Section 3.7.6.3 contains the entrance criteria for the Trouble/Maintenance and Repair portion of the Functionality Test. This Section provides for the successful passing of the M&R Performance Measurement process evaluations.

Section 3.8.3 contains the entrance criteria for the billing Functionality Test. It states that the Performance measurement evaluation of billing measures has been passed.

There is nothing listed as entrance criteria for special services.

#### **B. Positions of the Parties**

Comments and/or letters were filed on this issue by AT&T, WorldCom and Qwest. AT&T states that the CAP Gemini/DCI Audit Plan must be revised to require completion of the PME with issuance of a Final Report, before the Functionality Test can proceed. The Audit Plan currently provides for the completion of a review of only one month's historical data which AT&T claims is inconsistent with both the MTP and TSD.

AT&T argues that both the MTP and TSD require that the Performance Measurement Evaluation must be complete, and CAP Gemini's Final Report must issue, before Functionality Testing may begin. AT&T relies upon several sections of the MTP and TSD, including MTP Sections 8.5.2 and 8.6 and TSD Sections 7.3.3 and 7.5, many of which discuss the requirements of the Historical Data Review and the overall Performance Measurement Evaluation. AT&T also relies upon the specific entrance criteria for the various phases of the Functionality Test which refer to the PME process having been successfully passed for all relevant Performance Measures. AT&T supports the phased approach to Functionality Testing set forth in the MTP and TSD.

AT&T also points out in its comments that performance measurement results represent the "meter" that will allow the parties to gauge Qwest's performance to itself, its customers and to CLECs. The intent of the performance measurement audit is to ensure that the "meter" is both reliable and calibrated. AT&T argues that the TA cannot make pass/fail decisions for individual test cases using unaudited Qwest data. AT&T also stated that previous independent audits of ILEC performance measurement data collection and reporting processes have shown that problems will invariably be found.

WorldCom supports AT&T's position and relies upon MTP Section 3.3.5 and TSD Section 3.7.4.3, which references a phased approach to Functionality Testing with an initial phase (including a three month historical evaluation) for performance measurements that are completed and a second phase for performance measurements that are under development.

Qwest's position is that CAP Gemini has three months of historical performance data which it has reviewed and that under the TSD and MTP that is sufficient in order for Functionality Testing to begin. Qwest relies upon MTP Section 4.7.3.2 which states that the entrance criteria for the Functionality Test is "a sufficiently complete review of Qwest's process for data collection and calculation." Qwest states that the TSD is ambiguous and subject to varying interpretations. Qwest also states that both the MTP and TSD rely upon the best judgment of the Test Administrator to determine whether the measures have been sufficiently evaluated to begin Functionality Testing. Qwest also points out that the evaluation of performance measures in Arizona has proceeded much further than in both New York and Texas when Functionality Testing began. Qwest also notes that it has committed to pay for any retesting to adjust for findings during the Performance Measurement Evaluation.

### C. Discussion of ACC Resolution

The MTP and TSD are divided into *four* distinct components: 1) the Performance Measurement Process Review, 2) the Historical Data Evaluation, 3) the Functionality Test Evaluation and 4) the Capacity Test Evaluation. Based upon this deliberate separation of the PME into four distinct and clearly defined evaluations, and all of the specific references made to the various portions of the PME in both the TSD and MTP, the Staff believes that this was done to identify when the various portions of the PME were to be completed based upon their importance and relationships to the various phases of the testing process.

Nonetheless, as noted by all parties, there is ambiguity created by the language of TSD Section 3.7.4.3(c)5, which lists the individual entrance criteria for the various Functionality Test components. The preorder entrance and maintenance and repair criteria make reference to performance measures that have successfully passed the process audit. However, in the order/provisioning and billing portions of the Functionality Test, reference is made to the performance measurement evaluation of these measures having been passed.

Staff questions what exactly the parties could have meant by the phrase "performance measurement evaluation," in TSD Section 3.7.4.3(c)5, given the deliberate and very specific terms used to define the various phases of the PME. Given the deliberate wording used in all other places in the documents on this issue, the reference to "performance measurement evaluation" would mean the whole PM evaluation. But as already indicated, it would be impossible to do the full PME before Functionality Testing began, since phases 3 and 4 of the PME are to be done during the Functionality and Capacity Tests respectively.

After a close review of the language of both documents, however, Staff must disagree that both the MTP and TSD require completion of all four phases of the Performance Evaluation and a PME Final Report as an entrance criteria for the Functionality Test. The arguments made in support of this position place heavy reliance on the PME exit criteria as justification that the full PME is an entrance criteria for the Functionality Test.

However, these are exit criteria for the PME itself, not entrance criteria for the Functionality Test. Nowhere in either document does it state that the entire PME is an entrance criteria for the Functionality Test. Further, it would be impossible to complete the full PME before Functionality Testing began because the last two phases of the PME must be done during the Functionality Test and Capacity Test.

Therefore, the Staff agrees with Qwest that completion of the full PME and the issuance of a Final Report is not an entrance criteria to the Functionality Test. The remaining issue is which of the four distinct portions of the full PME is an entrance criteria. Many portions of both the MTP and TSD reference the Process Audit as being an entrance criteria, therefore, there is little doubt that the parties intended it to be so. The express language of the MTP states that the entrance criteria for the Functionality Test is that the Test Administrator has sufficiently completed its evaluation of the U S West processes for data collection and calculation of the Arizona performance measures. Also, important is the language of TSD Section 7 which specifically states that the Performance Measurement Process Evaluation is an entrance criteria for the Functionality Test. The third and fourth portions of the PME must be done during Functionality and Capacity Testing, and therefore, they obviously cannot have been intended by TAG members to be entrance criteria to the Functionality Test.

The only issue, is therefore, with the second portion of the PME, the Historical Data Evaluation. If the Historical Data Evaluation was intended to be an entrance criteria, it seems that the parties could have easily inserted this requirement with specific reference to this portion of the test so as to leave no doubt as to what was intended. However, this was not done and the language of the TSD is ambiguous as pointed out by all of the parties, so Staff must decide the most appropriate and reasonable interpretation.

Staff resolves this issue as follows. We accept AT&T's argument that there must be some historical data review in order to validate that Qwest's processes and procedures for the collection of data and the computation of performance measures. Where there are three months of data, Staff expects that the consultant will review that data, and its interim report will contain the appropriate analysis. For some measures, there may not be three months of data, however. In this instance, we leave it to the Test Administrator's discretion, as suggested by Qwest, as to whether and how Functionality Testing may proceed, as long as there is some historical data and an analysis is made. We believe the Audit Plan's requirement of at least one month of data is reasonable. However, we intend to vest some discretion in the Test Administrator in this regard as already stated. We also believe that retesting is the appropriate solution here as provided in TSD Section 7.3.3. Nonetheless we expect and will require CAP Gemini to fully apprise the CLECs and the ACC as to when testing is to commence on any specific performance measurements, the amount of data collected and analysis done at the time, and safeguards to be imposed, in the event three months of data has not been analyzed. We expect that CAP Gemini will listen to any objections raised by the CLECs and take those into account in designing and carrying out the tests. This entire process will be done with ACC/DCI oversight and approval. CAP Gemini is also to adhere to the entrance criteria set out in both documents including the issuance of any required interim reports.

Impasse issues of this nature are particularly difficult because both AT&T and Qwest agreed upon the language contained in the MTP and TSD, yet their understandings are much different from one another. Staff assures everyone that this resolution was arrived at after only the most careful thought, review and analysis of the language of both documents and the positions of AT&T, WorldCom and Qwest.

We have tried to rely upon the express language of both the MTP and TSD which we agree are the controlling documents in this case since they reflect the parties' agreements on these issues when these documents were drafted. When the express language was ambiguous, we attempted to determine the parties' intent and interpret the ambiguity in the most reasonable fashion possible taking into account the parties' respective positions and the overall integrity of the test.

While we agree that other tests around the country cannot be used to "redefine" the parties' agreements as contained in the Arizona MTP and TSD, nor are we using them to do so; other tests (and the FCC's relevant findings) can be used in an instructive fashion on the issues raised. In this regard, Qwest notes that Arizona has proceeded further than either New York or Texas in its Historical Data Evaluation prior to Functionality Testing.

Finally, we note that any party also has the opportunity to escalate this issue to the Commission's Hearing Division if they believe that the Staff has not evaluated this issue properly.



Richard S. Wolters  
Senior Attorney

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303 298-6741

August 10, 2000

Maureen Scott  
Arizona Corporation Commission  
1200 West Washington  
Phoenix, AZ 85007-2996

Re: **Arizona 271, Docket No. T-00000A-97-0238**

Dear Ms. Scott:

AT&T Communications of the Mountain States, Inc. and TCG Phoenix (collectively "AT&T") are concerned about recent developments regarding the test of Qwest Corporation's (formerly U S WEST Communications, Inc., hereinafter "Qwest") Operation Support Systems ("OSS") in Arizona. AT&T has invested substantial resources on this OSS test. It is concerned that, for unexplained reasons, the OSS test is proceeding at an unrealistic pace in order to complete the test by the end of the year 2000. Recent developments suggest that the Master Test Plan ("MTP") and Test Standards Documents ("TSD") are not being adhered to and steps are being taken to enable the test to proceed expeditiously without regard to the unintended risks. It is not clear who is responsible for pushing for a year-end completion of the OSS test, nor has the merits of completing the test by year-end 2000 been openly debated and resolved by the Test Advisory Group ("TAG").

The apparent but undisclosed decision to complete the test by year-end has caused AT&T to request numerous times the latest proposed milestones for the test. The minutes of the May 22, 2000 TAG meeting note that Cap Gemini Telecom ("CGT") was asked to provide milestone updates at every TAG meeting. AT&T has been told repeatedly that they are being developed. Finally, on August 4, 2000, Mr. Matt Rowell of the Arizona Corporation Commission ("ACC") Staff stated that he forwarded the milestones to CGT by e-mail several times. AT&T received the latest proposed milestones after the close of business on August 9, 2000. A preliminary review of the milestones does not alleviate AT&T's concerns that the present OSS testing schedule is unrealistic.

It is necessary for the TAG to review the milestones regularly for two reasons: first, the TAG is entitled to see them. No party to the TAG can unilaterally establish the milestones. The MTP states that the ACC Staff will make a final decision only after the TAG fails to reach consensus on an issue. MTP § 2.2.2. Second, it is necessary to determine if the milestones are reasonable and realistic, based on current events and future expectations.



The milestones not only describe at a high level the dates for critical events for the OSS test, but the ACC Staff is also using the projected test completion date of the OSS test to establish other key dates for the Qwest Section 271 process. The Staff has relied on the December 2000 date as a basis for requiring the completion of the workshops on the Section 271 checklist items. Therefore, it is necessary to review the milestones to determine not only if the OSS test can be realistically completed by year-end, but whether it is reasonable to require the parties in the Section 271 proceeding to expend considerable resources to complete the Arizona workshop process on the checklist items by December 2000. As AT&T has explained numerous times, Colorado, Washington and Oregon are also conducting Section 271 workshops. Utah, Idaho, Iowa, South Dakota, Montana and Wyoming intend to conduct multistate workshops on the checklist items; these states also will have to conduct additional workshops or hold proceedings on state-specific issues. Thus, it is reasonable for AT&T to attempt to schedule workshop dates for all Section 271 proceedings based on realistic dates for completion of the Arizona and Regional Oversight Committee ("ROC") OSS tests.

On August 4, 2000, AT&T once again asked when the EDI test cases would be available for review by the TAG. A CGT representative responded that he did not believe it was necessary for the TAG to review the EDI test cases. This was, to say the least, a surprise to AT&T. AT&T reviewed the IMA GUI test cases and made numerous required changes that were ultimately integrated into the IMA GUI test cases by CGT. Even Qwest expressed concerns regarding the accuracy of the IMA GUI test cases, and only after repeated discussions and after the safeguards insisted on by the CLECs were implemented was Qwest allowed to see some of the test cases in order to raise Qwest's confidence level in the IMA GUI test cases.

For CGT to now suggest that the TAG need not review the EDI test cases is unacceptable. Not only has CGT repeatedly stated that TAG members would see the EDI test cases in response to TAG members' inquiries, the lack of quality and accuracy of the IMA GUI test cases absolutely requires that the TAG review the EDI test cases. Finally, AT&T has still not seen the IMA GUI test scripts or the EDI test scripts. Frankly, it appears to AT&T that CGT's latest position appears to be based more on a desire to complete the test by December 2000 than on a desire to make sure the EDI test cases are accurate.

AT&T also learned that CGT intended to start the functionality test after only one month of performance data had been reviewed. As I stated at the TAG meeting on August 4, 2000, this is contrary to the MTP and TSD, and AT&T will not agree to any changes to the MTP or TSD to permit the functionality test to commence before the performance evaluation is successfully completed. This position is entirely reasonable, considering the provisions of the MTP and TSD on the Performance Measure Evaluation at issue were reached by the consensus of the TAG.

The MTP, among other things, requires a review of the performance measurement data for three consecutive months:

#### **8.5.2 Historical Data Evaluation**

*US WEST will provide performance measurement raw data from a three consecutive month period. The Test Administrator will validate the*

*process and procedures and monitor U S WEST's ability to execute them. If appropriate, the Test Administrator will conduct interviews of U S WEST and/or CLEC personnel.*

## **8.6 Performance Measurement Evaluation Entrance and Exit Criteria**

The entrance criteria for this test include the U S WEST documented processes and procedures for the enumerated performance measurements listed in appendices B and C. *Exit criteria will include a final report that performance measurement collection, analysis and reporting processes as reviewed by CGT are fully compliant with the performance measurements contained in the PID.* Exiting this test will include a review session where all observed activities, data and results will be reviewed for validity. *The actual exit criteria will be an outcome report generated by the Test Administrator detailing observations regarding U S WEST's performance measurements.*

MTP §§ 8.5.2 and 8.6 (emphasis added).

The TSD also supports the need to review 3 consecutive months of historical data.

### **7.3.3 Historical Data Review**

*The TA will request the three most current consecutive months of retail and CLEC historical raw data (before exclusions) and U S WEST computed Performance Measures.* Upon receiving the data, the TA Statistics Team will perform an independent computation of a representative sample of all Performance Measurements, Z statistics and other computations, averages, standard deviations, rates, proportions, sample sizes, etc. from U S WEST provided raw data. The TA will compare the independently computed data to the Z statistics and other computations computed by U S WEST.

The TA will evaluate, document and report all differences between the numbers computed by U S WEST and those computed by the TA.

*Problems discovered requiring work by U S WEST, will be entered on Incident Work Order forms and forwarded to the Test Advisory Group (TAG) for subsequent prioritization and submittal to U S WEST for repair and subsequent re-testing per the Test Administrator's Testing Incidents Process (see Attachment I).*

In addition, the historical evaluation will also investigate the presence of potentially confounding factors that may need to be further controlled in the design and analysis of the functionality tests.

TSD § 7.3.3 (emphasis added).

One of the entrance criteria of the Performance Measure Evaluation is that at least two months of data are available for the evaluation to begin. TSD § 7.4(a). Therefore, the evaluation should not have begun until CGT had at least 2 of the 3 months of required data in its possession. The TSD also provides specific exit criteria for the Performance Measure Evaluation. All the collected data must be collected and analyzed by CGT, all performance measures must have passed the evaluation and/or all parties must agree the test is concluded. TSD § 7.5. *See* TSD § 7.3.3 above for the required analysis.

The TSD also established specific entrance criteria for functionality testing. Prior to testing of preordering, the following information must be confirmed:

The Performance Measurement Evaluation process *has been successfully passed for all relevant Performance Measures*. The TA will organize Functionality Testing into a number of test phases by mapping Test Cases/Scripts to Performance Measures that have been successfully passed the process audit. Testing can then begin for Test Cases/Scripts that map only to Performance Measures that have passed the required audits.

TSD § 3.7.4.3(c)(5). *See also* TSD §§ 3.7.5.3(a) for ordering/provisioning entrance criteria. It is obvious that functionality testing cannot be completed with a simple review of 1 month of raw data.

TSD § 7.3.3 also requires CGT to submit Incident Work Order ("IWO") forms for all problems it discovers. The IWO must be forwarded to the TAG. It is my understanding that CGT has encountered problems with the first month of data. This is consistent with the ROC's experience. AT&T is not aware of any IWOs being forwarded by CGT to the TAG as a result of any problems.

It has been suggested that the audit plan allows the functionality test to commence after one month of raw data has been reviewed. AT&T disagrees. The MTP and TSD are the operative documents. MTP § 2.3; TSD § 1.1. The parties spent months formulating these documents. Audit guidelines cannot supersede these documents. Moreover, if a party wishes to change the MTP or TSD, it is necessary to go through the established change control processes. This has not been done to AT&T's knowledge. In fact, the TSD was going through review of the latest version (v2.6) when the audit plan was distributed by Staff and CGT on July 6, 2000. The final version (v2.7) was released June 24, 2000. No attempt was made by Staff or CGT to conform the MTP or TSD to the audit plan. The audit plan was drafted by DCI, ACC's consultant, CGT and the ACC without the input of the TAG and released in response to an action item. (MIL AI 04 13-09). Staff's June 1, 2000 e-mail transmittal of the final audit plan to CGT stated that CGT should distribute the plan to the TAG for "informational purposes." The audit plan was not submitted to the TAG for approval. It is the ACC's role to ensure the MTP and TSD are followed, and it is DCI's role to assist the ACC in its role. Therefore, it is somewhat disconcerting that the ACC and DCI would release an audit plan that does not conform to the MTP and TSD.

AT&T and the parties spent considerable time establishing the MTP and TSD. AT&T has been very flexible during these processes. An argument was raised that the test could not proceed without the MTP being approved by the Administrative Law Judge. AT&T agreed that, under certain circumstances, the test could proceed without formal

approval of the MTP. Many issues addressed in the TSD arguably should have been contained in the MTP. AT&T did not object to addressing these issues in the TSD as a concession to Staff to allow Staff to file the MTP with Docket Control to initiate the formal approval process for the MTP. However, AT&T will not agree to change what it believes are necessary requirements and conditions of the OSS test itself. It should also be noted that the MTP and TSD are essentially consensus documents. Very few issues were escalated to the ACC Staff for resolution.

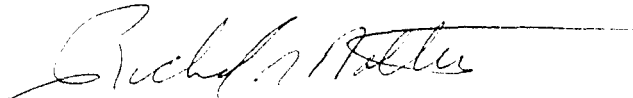
AT&T insists that the MTP and TSD be followed at all times. If the ACC does not require CGT to comply with the MTP and TSD, the results of the test will be useless. It will not be possible to re-write the MTP and TSD after the test is complete to conform them to the manner in which the test was actually conducted. Furthermore, it is not AT&T's obligation to ensure the test is conducted in accordance with the MTP and TSD. Accordingly, AT&T can raise noncompliance issues at any time during or after the test.

Finally, AT&T is concerned that the spirit of openness is being subordinated to the need to complete the test by the end of the year 2000. It is not AT&T's obligation to monitor and guarantee that the MTP and TSD are being complied with by CGT, Hewlett-Packard or Qwest. Had the issue of the review of the test scripts and EDI test cases not been raised by AT&T on August 4, 2000, it is likely the test would have proceeded without TAG review. CGT has not submitted any IWOs to the TAG on the Performance Measure Evaluation, although problems have been encountered and acknowledged by Staff. Problems are supposed to be resolved by the TAG, not CGT and Qwest. The failure of CGT to provide TAG with revised milestones promptly and on a regular basis also concerns AT&T, because this was specifically requested in a TAG meeting months ago. In addition to the concerns raised earlier, CLECs are taking facilities out of inventory to make them available for use in the test. It would be very helpful to know when these facilities will once again be available for paying customers.

AT&T believes that everyone should want, and insist, that the OSS test be conducted and completed consistent with the MTP and TSD. The overall integrity of the test is more important than the completion of the test itself. This may be the appropriate time for Staff to thoroughly assess the present status of the OSS test and obtain the TAG members' assessment on the revised milestones at the next scheduled TAG meeting on August 21, 2000.

If you wish to discuss any of AT&T's concerns further, feel free to call me.

Sincerely,



Richard S. Wolters

RSW/crd

cc: Service List

**Qwest**

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Telephone: 303-672-2926  
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**Andrew D. Crain**  
Senior Attorney

**EXHIBIT C**

August 18, 2000

**RECEIVED**  
AT&T Corp. Legal - Denver

AUG 22 2000

Mr. Richard S. Wolters  
AT&T  
Room 1575, 15<sup>th</sup> Floor  
1875 Lawrence Street  
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OV-NT \_\_\_\_\_  
MESS \_\_\_\_\_  
INTER-OF \_\_\_\_\_  
OTHER \_\_\_\_\_ INITIALS *Q*

**Re: Arizona 271, Docket No. T-00000A-97-0238**

Dear Rick:

I am writing to express Qwest's disappointment in your letter of August 10, 2000 to Maureen Scott of the Arizona Corporation Commission ("ACC") Staff. In your letter, you allege that the ACC Staff is somehow doing wrong by moving forward with the testing of Qwest's OSS. As you know, the Staff and their consultants, Doherty & Company, Inc. ("DCI"), have worked tirelessly to conduct this testing in a professional and competent manner. At every stage of this process they have sought your input and listened to your concerns. Now, in an attempt to discredit the testing effort, you misquote the Master Test Plan ("MTP") and insist that it is necessary for Arizona to rigidly follow procedures that have not been followed by other states like New York and Texas. In fact, some of the procedures you insist that Arizona follow are procedures that AT&T has stated are not necessary for the Regional Oversight Committee ("ROC").

Unfortunately, I see your August 10, 2000 letter as part of a disturbing trend in AT&T's behavior. At the start of this process, Qwest was impressed with AT&T's willingness to cooperate in good faith. However, as testing has progressed, AT&T appears to have shifted to a strategy of delay. I urge you to stop these delay tactics and support and cooperate with the testing vendors.

Although you have only made these allegations in a letter, and have not included them in a motion or pleading filed through proper procedures, the fact that you sent your letter to Commissioners gives me no option but to respond point by point.

Milestones

You first complain that "No party to the TAG can unilaterally establish the milestones." I have read the MTP several times since I received your letter, and I cannot find any provision that the milestones need to be established by consensus. The only reference you make is to Section 2.22, which makes no sense. That section merely states that if "issues" cannot be resolved by consensus in

the TAG, those issues will be escalated to the ACC Staff for decision. It does not state that every action taken by the vendors needs to be approved by the TAG before being implemented. That process would be totally unworkable. The vendors must be allowed to do their work, and it is entirely appropriate that they set milestones in consultation with the Staff.

#### EDI Test Cases

You complain that you will not review the EDI test cases before the start of testing. Once again, I read the MTP several times and could find no reference to a requirement that you be allowed to review all test cases before testing. This allegation is particularly confusing to me in light of the fact that just this week AT&T told the ROC that it did *not* need to review test cases developed by KPMG.

#### Performance Measure Audit

The majority of your letter concerns your allegation that testing cannot start until Cap-Gemini has reviewed three months of data. After this week, this is a moot point. We have provided Cap-Gemini with three months of data for over 95% of measures.

Furthermore, the decision of the Staff and Cap-Gemini to begin testing is reasonable in light of the Master Test Plan and the Test Standards Document. First, nowhere do the documents state that the retail parity examination should wait for the performance measure evaluation. Therefore, your broad statement that testing cannot start until three months of data are evaluated is clearly wrong. As for the functionality test, the MTP states that the "Test Administration has sufficiently completed its evaluation of the U S WEST processes for data collection and calculation." MTP, § 4.7.3.2 (emphasis added). The TSD contains some contradictory language, but it clearly states that the performance measure evaluation "may be conducted in two phases to allow testing to progress based upon available performance measures." TSD, § 7.4.

A review of the MTP and the TSD demonstrates that it is the intention of the documents that the Test Administrator should use its best judgment regarding whether measures have been sufficiently evaluated to begin functionality testing. That is precisely what is happening. Cap-Gemini has three months of data for the vast majority of measures, and there is no valid reason to delay the beginning of testing. This is particularly true in light of Qwest's commitment to pay for any re-testing made necessary by findings during the Performance Measures Evaluation.

The experience in other states demonstrates that testing should not be delayed. In both New York and Texas, functionality testing began before the completion of the performance measure evaluation. The evaluation of performance measures has proceeded further in Arizona than it had in both Texas and New York at the time testing began. In fact, the FCC has held that an audit is not ever necessary for Section 271 relief:

In determining that SWBT has satisfied each element of the competitive checklist, we rely, among other factors, on performance data collected and submitted by SWBT. Several commenters challenge the validity of certain data submitted by SWBT, however, including performance data collected and reported pursuant to the performance measurements developed under the auspices of the Texas Commission. *We reject the contention that SWBT's data are*

*generally invalid because they have not been audited, and thus cannot be relied upon to support its application. FCC Order Granting § 271 Relief to SWBT in Texas, para. 57.*

Conclusion

In conclusion, there is no valid reason to delay testing. Most points made in your letter are moot – you have been shown the milestones, and Cap-Gemini has received three months of data for the vast majority of performance measurements. Furthermore, you are insisting on procedures that have not been followed in other testing efforts, that you have told the ROC are not necessary, and that the FCC has held are not required.

Qwest requests that AT&T stop playing delay games and join with the other parties in supporting the ACC OSS testing effort. The ACC has chosen expert vendors, and Qwest is paying millions of dollars to assure the ACC and CLECs that its OSS are operationally ready. We need to trust the expert judgment of the vendors and allow them to proceed with the hard work of testing.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. D. Crain', with a stylized flourish at the end.

Andrew D. Crain

cc: Service List and Parties Served with  
the AT&T Letter of August 10, 2000

ADC/dsd

### Certificate of Service

I hereby certify that a true copy of the foregoing letter from Andrew D. Crain on behalf of Qwest to Richard S. Wolters on behalf of AT&T Communications of the Mountain States, Inc. was sent via United States mail, postage prepaid, on this 18<sup>th</sup> day of August, 2000, to:

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Docket control – Utilities Division  
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A handwritten signature in dark ink, appearing to read "Nancy Lubamersky", is written over a horizontal line.



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**VIA FACSIMILE AND U S MAIL**

August 24, 2000

Andrew Crain  
Qwest Corporation  
1801 California St., Suite 5100  
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Re: **Arizona Operations Support Systems ("OSS") Test**

Dear Andy:

I received your letter to me dated August 18, 2000, that was intended to respond to my letter to Ms. Maureen Scott, Staff Attorney with the Arizona Corporation Commission ("ACC"), dated August 10, 2000. I find a number of statements misleading and deserving of a response.

I have not raised the concerns of AT&T addressed in my letter to Ms. Scott in a pleading or motion because the Staff of the ACC is the party that should initially receive parties' concerns regarding the Operation Support Systems ("OSS") testing in the first instance, as it is tasked to oversee the test process. Master Test Plan 4.0 (April 6, 2000) ("MTP"), § 9.1. Generally, this has been the process in the past, and Staff has shown willingness to address AT&T's previous concerns. Also, the filing of a motion before AT&T brings its concerns to the attention of Staff may only delay the process unnecessarily.

Qwest alleges AT&T has shifted its strategy from a "willingness to cooperate" to "a strategy of delay." AT&T has cooperated and continues to cooperate with the TAG. However, it can not be seriously argued that AT&T is seeking to delay the process by insisting that the MTP and Test Standards Document, v 2.7 (June 24, 2000) ("TSD") be adhered to. Much of the delay has been caused by Cap-Gemini/Ernst & Young ("CGE&Y"). For example, just recently, CGE&Y stated at the August 4 TAG meeting that the new statistical plan would be available on August 11, 2000. It was made available for the first time at the statistical sub-committee on August 21, 2000, and was produced without any evidence of the changes made. Qwest expressed its concern that this would delay the adoption of a statistical plan.

AT&T has repeatedly asked to see the EDI test cases. AT&T cannot be blamed for any delay associated with the subsequent review. It is CGE&Y that failed to provide the EDI test cases after making numerous commitments to provide the EDI test cases in the TAG meetings. After receiving the EDI cases recently provided by CGE&Y, it was immediately apparent to AT&T that the information received from CGE&Y did not address AT&T's issues. Additional meetings will be required to resolve these issues, due to no fault of AT&T. Accordingly, no delay be attributed to AT&T.

You note in your letter that AT&T did not ask to see the EDI test cases at the Regional Oversight Committee ("ROC") workshops. This statement by itself is misleading. Qwest also did not ask to see the EDI test cases at ROC. AT&T stated at the ROC that it had confidence in KPMG that KPMG will draft adequate EDI test cases, and this was the reason AT&T gave for not asking for the opportunity to review the EDI test cases. AT&T's confidence does not extend to CGE&Y. Therefore, there is no relationship between AT&T's decisions regarding review of the EDI cases for the ROC OSS test and for the Arizona OSS test. It should not be forgotten that Qwest asked to see the IMA GUI test cases in Arizona to raise its confidence level that CGE&Y had prepared the IMA GUI test cases correctly.

Regarding the milestones, it was Qwest's representative that requested that revised milestones be provided at every TAG meeting. Obviously, Qwest has an interest in the milestones. AT&T does too. AT&T believes it appropriate for the TAG to review and evaluate the milestones because, for example, the milestones may not reflect timelines established by the MTP and TSD. Statements by Staff and DCI that the functionality testing would begin after one month of raw data was reviewed elevated the urgency and need for seeing the milestones to determine if the milestones were based on the same premise regarding functionality testing, a premise AT&T alleges is inconsistent with the MTP and TSD.

AT&T has adequately addressed the issue of the commencement of the Functionality Test prior to completion of the review of three consecutive months of relevant performance data. I will not repeat those arguments here. However, I should point out that AT&T, in its initial comments on the proposed MTP dated September 17, 1999, stated that it was necessary to complete the performance measurement evaluation before the Functionality Test was initiated. AT&T's concerns were based on the experience in New York. AT&T successfully argued this point at the TAG meetings and its position was adopted in the MTP and TSD. The experience in other states is irrelevant because Arizona, with the cooperation of Qwest and the other parties, adopted an MTP and TSD for an *Arizona* OSS test. The fact that New York or Texas conducted a test with different requirements is irrelevant to whether the Arizona test is performed in compliance with the Arizona MTP and TSD. If, after reviewing the New York and Texas orders, Qwest believes it gave up too much in the process or did not negotiate a harder bargain, the appropriate response by Qwest is to seek changes to the MTP or TSD by use of the change control processes. No such request has been filed by Qwest, CGE&Y, Staff or any other party. The manner in which this issue has come before the TAG is entirely inappropriate.

The language which Qwest cites for permitting the commencement of the Functionality Test based on one month of data was not included in the MTP for the reasons suggested by Qwest. The following language contained in MTP v 2.7 is relied on by Qwest:

The Test Administrator has sufficiently completed its evaluation of the U S WEST processes for data collection and calculation of the Arizona Performance Measures.

This language was not contained in the MTP v 1.0 (August 1999). The language referred to was added to address Qwest's and Staff's concerns that testing could not commence until all Performance Indicator Definitions ("PIDs") were developed and three consecutive months of data had been collected and audited, because Qwest was still in the process of developing numerous PIDs.

The TAG agreed that functionality testing could commence on some functions if the performance measurement evaluation of the PIDs for that portion of the test was complete. This is reflected in the TSD.

The Performance Measurement Evaluation process has been successfully passed for all relevant Performance Measures. The TA will organize the Functionality Testing into a number of test phases by mapping Test Cases/Scripts to Performance Measures that have successfully passed the process audit. Testing can then begin for Test Cases/Scripts that map only to Performance Measures that have passed the required audits.

TSD § 3.7.4.3(c)5. The TSD eliminates any ambiguity in the MTP. For any part of the Functionality Test to start, the performance measurement evaluation for the relevant measures must be "successfully passed." It was always understood the TSD would put the meat on the bones of the MTP and AT&T believes the TSD eliminates any doubt regarding the entrance criteria for the Functionality Test.

The cause of any "delay" is not the result of AT&T's insistence that the MTP and TSD be followed. Based on AT&T's evaluation of work product provided to the TAG by CGE&Y, AT&T repeatedly warned the Staff, Qwest and CGE&Y that they were ignoring the fact that critical requirements were not complete and were attempting to complete the test on an overly aggressive schedule. Now, after ignoring AT&T's warnings and those warnings are becoming reality, Qwest attempts to blame the messenger.

As AT&T stated at the August 4, 2000 TAG meeting, AT&T sees the issues raised by AT&T as fundamental to the process -- is the OSS test going to be conducted by the book or on an *ad hoc* basis? If it is going to be conducted on an *ad hoc* basis, AT&T must conclude that the time it spent negotiating the terms of the MTP and TSD

was wasted and that future participation in the OSS test also will be wasted because the process and results will be of little value and subject to constant disputes.

It is Qwest that must decide how it wishes the process to proceed. AT&T has made its decision -- the test should proceed in compliance with the MTP and TSD.

Sincerely,

A handwritten signature in black ink that reads "Richard S. Wolters (ChMST)". The signature is written in a cursive, slightly slanted style.

Richard S. Wolters

cc: Service List

## CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of the Letter from Richard S. Wolters of AT&T Communications of the Mountain States, Inc. to Andrew Crain of Qwest Corporation regarding Docket No. T-00000A-97-0238, were sent via overnight delivery this 24<sup>th</sup> day of August, 2000, to:

Arizona Corporation Commission  
Docket Control – Utilities Division  
1200 West Washington Street  
Phoenix, AZ 85007

and that a copy of the foregoing was sent via overnight delivery this 24<sup>th</sup> day of August, 2000 to the following:

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and a true and correct copy of the foregoing was sent via facsimile and United States Mail, postage prepaid, on the 24<sup>th</sup> day of August, 2000 to the following:

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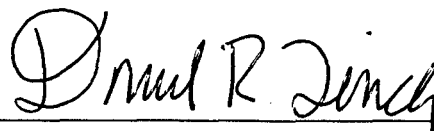
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## CERTIFICATE OF SERVICE

I hereby certify that the original and 10 copies of AT&T and TCG Phoenix's Motion for Review of Staff's Resolution of PMA Impasse-MIL Issue No. 926 regarding Docket No. T-00000A-97-0238, were sent via overnight delivery this 24<sup>th</sup> day of October, 2000, to:

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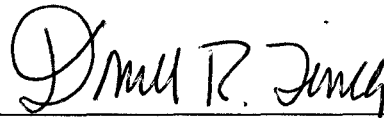
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